S.B. Civil Writ Petition NO.1906/2005
Shivjiram
vs
District Judge, Jaisalmer & Ors.

DATE OF ORDER : - 1.4.2005.

HON'BLE MR. PRAKASH TATIA,J.

Mr.Kishore Ranga, for the petitioner.

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Heard learned counsel for the petitioner.

According to learned counsel for the petitioner, the executing court has not passed any order on the objection petition filed by the petitioner in the execution and passed the order for recovery of the decretal amount from the salary of the petitioner. It appears that the petitioner has not pursue his any petition before the executing court even for grant of interim order and has come before this Court straight way challenging the proceedings of the execution whereby the amount is sought to be recovered for the benefit of an old person of 85 years from the petitioner. If petitioner finds that he has some merit in his objection petition, he should first move the appropriate application before the executing court for grant of interim order. The petitioner may now pursue the remedy before the executing court and executing court may pass appropriate order strictly in accordance with law only on any petition filed or on application pending before the executing court.

In view of the above observations, the writ petition of the petitioner is disposed of .

(Prakash Tatia), J.

c.p.goyal/-